

ADMINISTRATIVE PANEL DECISION

QlikTech International AB v. Taha Abdollah
Case No. D2024-4208

1. The Parties

The Complainant is QlikTech International AB, Sweden, represented by Abion AB, Sweden.

The Respondent is Taha Abdollah, Germany and China.

2. The Domain Name and Registrar

The disputed domain name <qlik.shop> is registered with West263 International Limited (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on October 11, 2024. On October 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the following day, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 16, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed a first amended Complaint in English on October 18, 2024, and a second amended Complaint in English on October 23, 2024.

On October 16, 2024, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On October 18, 2024, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the language of the proceeding.

The Center verified that the Complaint together with the amended Complaints satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent in Chinese and English of the Complaint, and the proceedings commenced on October 24, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 13, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 15, 2024.

The Center appointed Matthew Kennedy as the sole panelist in this matter on November 20, 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a provider of data analytics and business intelligence solutions. It was named in the Top 10 in Forbes' Most Innovative Growth Companies List for 2015. The Complainant holds trademark registrations in multiple jurisdictions, including the following:

- European Union trademark registration number 001115948 for QLIK, registered on May 16, 2000, and specifying goods and services in classes 9, 35, and 42; and
- European Union trademark registration number 012215141 for a figurative QLIK mark, registered on February 6, 2014, and specifying goods and services in classes 9 and 42.

The above trademark registrations are current. The Complainant also uses the domain name <qlik.com> in connection with a website that prominently displays the QLIK mark and provides information about the Complainant and its services. According to the evidence presented by the Complainant, the top results of a Google search for "Qlik" all relate to the Complainant and its products.

The Respondent is an individual. Her contact address in the Registrar's Whois database is a German address but her country of residence is indicated as China in Chinese and Germany in English.

The disputed domain name was registered on October 7, 2024. According to the evidence on record, it does not resolve to any active website; rather, it is passively held.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is almost identical and confusingly similar to the Complainant's QLIK mark. The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has not licensed or authorized the Respondent to use its trademarks. The Respondent is not affiliated with the Complainant. The disputed domain name was registered and is being used in bad faith. It is very likely that the Respondent registered the disputed domain name using the trademark QLIK intentionally in order to take advantage of the reputation of the trademark and the Complainant's goodwill free-riding on the Complainant's reputation.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

6.1 Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint and amended Complaints were filed in English. The Complainant requested that the language of the proceeding be English. Its main argument is that translation of the Complaint would entail significant additional costs and delay, whereas conducting the proceedings in English would promote efficiency and timely resolution.

The Respondent did not make any submission with respect to the language of the proceeding. Despite the Center having sent an email regarding the language of the proceeding and a notification of the Complaint in both Chinese and English, the Respondent did not express any interest in participating in this proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issues

Paragraph 4(a) of the Policy provides that a complainant must prove each of the following elements with respect to the disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. See [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of the QLIK trademark for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the QLIK mark is reproduced within the disputed domain name. The only additional element is a generic Top-Level Domain ("gTLD") extension (".shop") which, as a standard requirement of domain name registration, may be disregarded in the assessment of identity or confusing similarity for the purposes of the Policy. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. See [WIPO Overview 3.0](#), sections 1.7 and 1.11.1.

Therefore, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

In the present case, the disputed domain name is passively held. The disputed domain name is also identical to the QLIK mark which creates a high risk of implied affiliation. This is not a use of the disputed domain name in connection with a bona fide offering of goods or services, nor is it a legitimate noncommercial or fair use of the disputed domain name for the purposes of the Policy. Further, nothing on the record indicates that the Respondent has been commonly known by the disputed domain name.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Based on the record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the disputed domain name was registered by the Respondent in 2024, long after the registration of the Complainant’s QLIK mark, including in Germany where the Respondent is ostensibly based (given the conflicting Respondent information, the Panel notes for completeness that the Complainant’s mark has also been registered in China prior to the registration date of the disputed domain name). QLIK is not a dictionary word but a coined term with no apparent meaning other than as a reference to the Complainant and its products. The disputed domain name is identical to the mark with no additional element besides a gTLD extension. The Respondent provides no explanation for her choice to register the disputed domain name. In view of these circumstances, the Panel finds it more likely than not that the Respondent registered the disputed domain name with the Complainant and its QLIK mark in mind.

As regards use, the disputed domain name does not resolve to any active website. However, prior UDRP panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. See [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness of the Complainant’s trademark, its reputation based on longstanding use by the Complainant, and the composition of the disputed domain name, which is identical to the mark, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Therefore, the Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <qlik.shop> be transferred to the Complainant.

/Matthew Kennedy/

Matthew Kennedy

Sole Panelist

Date: November 28, 2024